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extra

29 NOV 1971

MEMORANDUM FOR: Assistant Deputy Director for Support

SUBJECT : Agency Authority to Manage the Headquarters Building

REFERENCE : Memo dtd 19 Nov 71 to OGC fm ADD/S, Re: same subject

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1. At the request of [REDACTED] this reply is made to referent memorandum.

2. The "Federal Property and Administrative Services Act of 1949" gave to the Administrator of General Services (GSA) authority to operate and maintain public buildings. This authority was largely permissive in that it provided, inter alia, for the Administrator to supply services and maintenance on request of any Federal agency and; further, that in the discretion of the Director of the Bureau of the Budget (now Office of Management and Budget) maintenance functions could be transferred from any Federal Agency to GSA (see 40 USCA 490).

3. The President's "1950 Reorganization Plan No. 18" provided for the transfer to GSA of all management functions with respect to buildings owned by the Government. Specifically exempted by this Plan as well as by the Act itself were:

"Section 2...(d) the Treasury Building, the Bureau of Engraving and Printing Building, the buildings occupied by the National Bureau of Standards, and the buildings under the jurisdiction of the regents of the Smithsonian Institution."

This confirms your comment that the Treasury Department and certain other agencies have specific authority to manage their own buildings. There is a further exception by which we may, if desired, seek authorization from the Administrator, GSA, to manage our own building. This reads as follows:

"Section 3...(b) When authorized by the Administrator of General Services, any function transferred to him by the provisions of this reorganization plan may be performed by the head of any agency of the executive branch of the Government or, subject to the direction and control of any such agency head, by such officers, employees, and organizational units under the jurisdiction of such agency head as such agency head may designate:...."

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(The Plan is set forth verbatim as an addendum to 40 USCA 490.) The decision to use this authority is, of course, a matter of policy and not of law.

4. There are attached for your information copies of correspondence (dated September and October 1959) between Messrs. Allen W. Dulles and Franklin Floete, Administrator, GSA, the subject matter being their agreement for the management of the Headquarters Building by GSA.

5. The extracts from the Congressional Record attached to the referent memorandum with respect to "Public Buildings Amendments of 1971" appear to have no bearing on the authority contained in Section 3(b) of the Reorganization Plan referred to above. The Amendments essentially provide for the individual Government agencies to budget for the operation and maintenance of their own buildings paying GSA therefor from their individual appropriations.


Associate General Counsel, OL

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Att


cc: OGC
D/PPB
OLC
D/L
D/S
C/PS-DD/S

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AGC/OL:  :msb/2565 (26 Nov 71)

OGC Subj Building Grounds & Property

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